

House Bill 968

By: Representatives Jacobs of the 80th, Chambers of the 81st, Millar of the 79th, Levitas of the 82nd, Watson of the 91st, and others

A BILL TO BE ENTITLED
AN ACT

To amend Article 2 of Chapter 14 of Title 40 of the Official Code of Georgia Annotated, relating to speed detection devices, so as to exempt certain parks from the limitation of ten miles over the speed limit before making a case for speeding based on speed detection devices; to exempt certain counties from the limitation of using a speed detection device where the highway grade is more than 7 percent; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 2 of Chapter 14 of Title 40 of the Official Code of Georgia Annotated, relating to speed detection devices, is amended by revising subsection (b) of Code Section 40-14-8, relating to when a case may be made and a conviction had based on evidence from speed detection devices, to read as follows:

"(b) The limitations contained in subsection (a) of this Code section shall not apply in properly marked school zones one hour before, during, and one hour after the normal hours of school operation, in properly marked historic districts, ~~and~~ in properly marked residential zones, and in parks containing at least one playground or athletic field. For purposes of this chapter, thoroughfares with speed limits of 35 miles per hour or more shall not be considered residential districts. For purposes of this Code section, the term 'historic district' means a historic district as defined in paragraph (5) of Code Section 44-10-22 and which is listed on the Georgia Register of Historic Places or as defined by ordinance adopted pursuant to a local constitutional amendment."

SECTION 2.

Said article is further amended by revising Code Section 40-14-9, relating to admissibility of evidence obtained in certain areas by the use of speed detection devices, to read as follows:

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1 "40-14-9.

2 Evidence obtained by county or municipal law enforcement officers in using speed
3 detection devices within 300 feet of a reduction of a speed limit inside an incorporated
4 municipality or within 600 feet of a reduction of a speed limit outside an incorporated
5 municipality or consolidated city-county government shall be inadmissible in the
6 prosecution of a violation of any municipal ordinance, county ordinance, or state law
7 regulating speed; nor shall such evidence be admissible in the prosecution of a violation
8 as aforesaid when such violation has occurred within 30 days following a reduction of the
9 speed limit in the area where the violation took place, except that this 30 day limitation
10 shall not apply to a speeding violation within a highway work zone, as defined in Code
11 Section 40-6-188. No speed detection device shall be employed by county, municipal, or
12 campus law enforcement officers on any portion of any highway which has a grade in
13 excess of 7 percent. This 7 percent grade limitation on the use of speed detection devices
14 shall not apply in a county or municipality that levies a sales tax for the purposes of
15 operating a metropolitan area system of public transportation, except on any portion of an
16 interstate highway that passes through such county or municipality."

17 **SECTION 3.**

18 This Act shall become effective on July 1, 2008.

19 **SECTION 4.**

20 All laws and parts of laws in conflict with this Act are repealed.